

EXAMINER'S AMENDMENT/COMMENTS

1. Claims 1 through 5, 10 through 12, 14, and 21 are allowable, pending incorporation of the examiner's amendment set forth below. The restriction requirement with regard to the various species as set forth in the Office action mailed on September 19, 2006, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 16 through 18, directed to previously non-elected species, are no longer withdrawn from consideration because the claims requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney M. Paul Qualey, Jr., Registration No. 43,024, on February 28, 2008.

3. The application has been amended as follows:

In the abstract:

In line 5 of the abstract: Replace "the temperature determined" with --the determined temperature--.

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In the claims:

Claim 1, line 7: Replace “temperature determined” with –determined temperature--.

Claim 10, line 10: Replace “throttles” with –is configured to throttle--.

Claim 21, line 8: Replace “temperature determined” with –determined temperature--.

4. Applicant’s arguments with regard to the drawings have been deemed persuasive. Therefore, the objection to the drawings as cited in the previous Office action is hereby withdrawn, and the drawings filed on March 26, 2004 are hereby approved.

5. The following is an examiner’s statement of reasons for allowance: The prior art of record, while showing various methods and systems for cooling computer systems whereby the speed of one or more fans is changed in response to a pulse width modulated signal based on a determined or measured temperature, fails to show or suggest throttling the computer system's processor in response to a pulse width modulated signal if the determined or measured temperature corresponds to the threshold temperature for operating the one or more fan at a greater than low speed .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

6. The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule but can normally be reached between the hours of 10:30 a.m. and 6:30 p.m. on most weekdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3744